

SHB 2871 - H AMD 842

By Representative Murray

WITHDRAWN 02/21/2006

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that effective  
4 transportation planning in urbanized regions requires stronger and  
5 clearer lines of responsibility and accountability.

6 The legislature further finds that integrated, multimodal  
7 transportation planning will help reduce transportation congestion and  
8 improve safety, and that streamlined decision making will help reduce  
9 political congestion.

10 The legislature further finds that coordinated planning of,  
11 investment in, and operation of transportation systems will have  
12 significant benefit to the citizens of Washington, and that it is the  
13 will of the people to fund regional transportation solutions, including  
14 improving transit service in urbanized areas and among existing,  
15 fragmented transit agencies in the region. Although equity  
16 considerations must be respected, transportation problems are broader  
17 and deeper than the sum of geographic subareas.

18 It is therefore the policy of the state of Washington to create a  
19 regional transportation commission to develop a proposal for a regional  
20 transportation governing entity more directly accountable to the  
21 public, and to develop a comprehensive regional transportation finance  
22 plan for the citizens of the Puget Sound metropolitan region.

23 NEW SECTION. **Sec. 2.** (1) The regional transportation commission  
24 is established.

25 (2) The commission shall consist of nine commissioners. Three of  
26 the nine commissioners shall comprise the county executives of each of  
27 those contiguous counties of the Puget Sound metropolitan region  
28 comprising a county with a population over one million five hundred  
29 thousand persons and the immediately adjacent counties each with a

1 population over five hundred thousand persons. The remaining six  
2 commissioners shall be appointed by the governor by June 1, 2006.  
3 Appointments of commissioners shall reflect geographical balance and  
4 diversity of populations within the Puget Sound region and, to the  
5 extent possible, include commissioners with special expertise in  
6 relevant fields such as funding, planning, and construction of  
7 transportation improvement projects and operation of transportation  
8 systems. Vacancies for any appointed commission seat shall be filled  
9 in the same manner as the original appointments were made.

10 (3) Each person appointed by the governor shall hold office until  
11 the commission dissolves under section 6 of this act or until a  
12 successor is appointed and qualified as set forth in subsection (4) of  
13 this section, whichever is earlier.

14 (4) The term of office for a commissioner begins seven days  
15 following appointment by the governor. A commissioner must be a  
16 qualified elector under the state Constitution when his or her term of  
17 office begins. A commission-elected officer may not be an elected  
18 officer of the state or a city, county, or special district during his  
19 or her term of office. As used in this chapter, special district does  
20 not include school districts.

21 (5) The commission chair presides over the commission and sets the  
22 commission agenda subject to general rules established by the  
23 commission. Except as provided otherwise in this chapter, the  
24 commission chair appoints all members of the committees, councils, and  
25 boards created by the rules of the commission. The commission chair  
26 shall be designated by the governor from among the six commissioners  
27 appointed under subsection (2) of this section.

28 (6) Each member of the commission is eligible to receive  
29 compensation in an amount not to exceed two hundred fifty dollars for  
30 each day during which the member attends an official meeting of the  
31 group or performs statutorily prescribed duties approved by the chair.  
32 A person shall not receive compensation for a day of service under this  
33 section if the person (a) occupies a position normally regarded as full  
34 time in nature, in any agency of the federal government, Washington  
35 state government, or Washington state local government, and (b)  
36 receives any compensation from such government for working that day.  
37 A commissioner may be compensated under this subsection only if the

1 compensation is necessarily incurred in the course of authorized  
2 business, consistent with the responsibilities of the commission  
3 established by this chapter.

4 (7) The commission may be entitled to state funding, as  
5 appropriated by the legislature, to pay for expenses incurred by the  
6 commission and the department of transportation and through contracts  
7 in carrying out the duties authorized in this chapter.

8 NEW SECTION. **Sec. 3.** The commission has the following duties:

9 (1) Evaluate transportation governance in the central Puget Sound  
10 area within the jurisdiction of the Puget Sound regional council. This  
11 evaluation must include an assessment of the current roles of regional  
12 transportation agencies, including regional transportation and  
13 metropolitan planning organizations, the regional transit authority,  
14 regional transportation investment districts, county and municipal  
15 agencies operating transit services, and cities, counties, and other  
16 public agencies providing transportation services or facilities. The  
17 commission shall assess and develop recommendations for what steps  
18 should be taken to:

19 (a) Consolidate governance among agencies, including changes in  
20 institutional powers, structures, and relationships and governance  
21 needed to improve accountability for transportation decisions, while  
22 enhancing the regional focus for transportation decisions and  
23 maintaining equity among citizens in the region;

24 (b) Improve coordination in the planning of transportation  
25 investments and services;

26 (c) Improve investment strategies;

27 (d) Coordinate transportation planning and investments with adopted  
28 land use policies within the region;

29 (e) Enhance efficiency and coordination in the delivery of services  
30 provided;

31 (f) Adjust boundaries for agencies or functions within the region  
32 to address existing and future transportation and land use issues; and

33 (g) Improve coordination between regional investments and federal  
34 funds, and state funding, including those administered by the  
35 transportation improvement board, the county road administration board,  
36 and the freight mobility strategic investment board;

1 (2) Develop a regional transportation governance proposal that  
2 includes, at a minimum, the formation of a regional transportation  
3 governing entity, of which all or a majority of its members must be  
4 directly elected, the revenue sources that will be available to such  
5 entity, and the scope of planning authority of such entity;

6 (3) Publicize the commission's proposal referenced in subsection  
7 (2) of this section by November 15, 2006, and provide at least fifteen  
8 days for public comment;

9 (4) Adopt the proposal referenced in subsection (2) of this section  
10 and submit it to the legislature by January 1, 2007;

11 (5) Develop a comprehensive, integrated transportation finance plan  
12 for the metropolitan Puget Sound region to be submitted to the affected  
13 voters by the regional transportation governing entity;

14 (6) Conduct public meetings to assure active public participation  
15 in the development of the recommendations, proposal, and finance plan  
16 under this section.

17 NEW SECTION. **Sec. 4.** The department of transportation shall  
18 provide staff support to the commission and, upon request of the  
19 commission, contract with other parties for staff support to the  
20 commission.

21 NEW SECTION. **Sec. 5.** (1) The governing body of a city with a  
22 population of five hundred sixty thousand or more, in which a city  
23 transportation authority has been formed under chapter 35.95A RCW, may  
24 set and impose any tax authorized under chapter 35.95A RCW, but only  
25 (a) for funding nonmonorail transit within the city; (b) after the debt  
26 and obligations, including judgments, of the city transportation  
27 authority have been satisfied; and (c) if the grant of such taxing  
28 authority is contained in the integrated regional transportation  
29 finance plan developed by the regional transportation commission and  
30 approved by a majority of the qualified electors of the city at a  
31 general or special election.

32 (2) The transit projects and services funded under subsection (1)  
33 of this section must be consistent with the metropolitan transportation  
34 plan adopted under RCW 35.58.240 and any integrated transportation  
35 finance plan developed by the commission under section 3 of this act.

1 (3) For purposes of subsection (1)(b) of this section, the debt and  
2 obligations of the city transportation authority are satisfied upon  
3 receipt, by the governing body of the city, of a letter from the  
4 governing body of the authority certifying that: (a) The debt is  
5 retired; and (b) a contingency account has been funded in an amount  
6 determined by the governing body of the authority to be sufficient to  
7 resolve any existing and reasonably foreseeable legal claims against  
8 the authority.

9 NEW SECTION. **Sec. 6.** Upon such time as the regional  
10 transportation governing entity established by the legislature pursuant  
11 to the commission's recommendations becomes fully operational: (1) All  
12 of the powers, functions, and duties of the commission shall be  
13 transferred to the regional transportation governing entity; (2) the  
14 commission shall take such additional actions as needed to wind up its  
15 affairs; and (3) the commission shall dissolve.

16 **Sec. 7.** RCW 35.58.250 and 1965 c 7 s 35.58.250 are each amended to  
17 read as follows:

18 Except for a regional transit authority constructing or operating  
19 a high capacity transportation service by contract under RCW  
20 35.58.260(2) or in accordance with an agreement made as provided  
21 herein, upon the effective date on which the metropolitan municipal  
22 corporation commences to perform the metropolitan transportation  
23 function, no person or private corporation shall operate a local public  
24 passenger transportation service within the metropolitan area with the  
25 exception of taxis, busses owned or operated by a school district or  
26 private school, and busses owned or operated by any corporation or  
27 organization solely for the purposes of the corporation or organization  
28 and for the use of which no fee or fare is charged.

29 An agreement may be entered into between the metropolitan municipal  
30 corporation and any person or corporation legally operating a local  
31 public passenger transportation service wholly within or partly within  
32 and partly without the metropolitan area and on said effective date  
33 under which such person or corporation may continue to operate such  
34 service or any part thereof for such time and upon such terms and  
35 conditions as provided in such agreement. Where any such local public  
36 passenger transportation service will be required to cease to operate

1 within the metropolitan area, the commission may agree with the owner  
2 of such service to purchase the assets used in providing such service,  
3 or if no agreement can be reached, the commission shall condemn such  
4 assets in the manner provided herein for the condemnation of other  
5 properties.

6 Wherever a privately owned public carrier operates wholly or partly  
7 within a metropolitan municipal corporation, the Washington utilities  
8 and transportation commission shall continue to exercise jurisdiction  
9 over such operation as provided by law.

10 **Sec. 8.** RCW 35.58.260 and 1965 c 7 s 35.58.260 are each amended to  
11 read as follows:

12 (1) Subject to subsection (2) of this section, if a metropolitan  
13 municipal corporation shall be authorized to perform the metropolitan  
14 transportation function, it shall, upon the effective date of the  
15 assumption of such power, have and exercise all rights with respect to  
16 the construction, acquisition, maintenance, operation, extension,  
17 alteration, repair, control, and management of passenger transportation  
18 which any component city shall have been previously empowered to  
19 exercise and such powers shall not thereafter be exercised by such  
20 component cities without the consent of the metropolitan municipal  
21 corporation: PROVIDED, That any city owning and operating a public  
22 transportation system on such effective date may continue to operate  
23 such system within such city until such system shall have been acquired  
24 by the metropolitan municipal corporation and a metropolitan municipal  
25 corporation may not acquire such system without the consent of the city  
26 council of such city.

27 (2) The governing body of a city with a population of five hundred  
28 sixty thousand or more that sets and imposes any tax under section 5 of  
29 this act may plan and direct the expenditure of revenues from such tax  
30 through contracting with a metropolitan municipal corporation or a  
31 regional transit authority for the construction, acquisition,  
32 maintenance, operation, extension, alteration, repair, control, and  
33 management of those transit projects and services for which tax  
34 revenues may be spent under section 5 of this act. If the city  
35 exercises such authority under this subsection, neither the  
36 metropolitan municipal corporation nor the regional transit authority

1 shall, as a result, reduce the hours of transit service it provides  
2 within the corporate limits of the city.

3 **Sec. 9.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the context clearly requires otherwise.

7 (1) "Board" means the governing body of a regional transportation  
8 investment district.

9 (2) "Department" means the Washington state department of  
10 transportation.

11 (3) "Highway of statewide significance" means an existing or  
12 proposed state route or federal interstate designated as a highway of  
13 statewide significance by the transportation commission, its successor  
14 entity, or the legislature.

15 (4) "Lead agency" means a public agency that by law can plan,  
16 design, and build a transportation project and has been so designated  
17 by the district.

18 (5) "Regional transportation investment district" or "district"  
19 means a municipal corporation (~~whose boundaries are coextensive with~~  
20 ~~two or more contiguous counties and~~) that has been created by county  
21 legislative authorities and a vote of the people under this chapter to  
22 implement a regional transportation investment plan.

23 (6) "Regional transportation investment district planning  
24 committee" or "planning committee" means the advisory committee created  
25 under RCW 36.120.030 to create and propose to county legislative  
26 authorities a regional transportation investment plan to develop,  
27 finance, and construct transportation projects.

28 (7) "Regional transportation investment plan" or "plan" means a  
29 plan to develop, construct, and finance a transportation project or  
30 projects.

31 (8) "Transportation project" means:

32 (a) A capital improvement or improvements to a highway that has  
33 been designated, in whole or in part, as a highway of statewide  
34 significance, including an extension, that:

35 (i) Adds a lane or new lanes to an existing state or federal  
36 highway; or

1 (ii) Repairs or replaces a lane or lanes damaged by an event  
2 declared an emergency by the governor before January 1, 2002.

3 (b) A capital improvement or improvements to all or a portion of a  
4 highway of statewide significance, including an extension, and may  
5 include the following associated multimodal capital improvements:

6 (i) Approaches to highways of statewide significance;

7 (ii) High-occupancy vehicle lanes;

8 (iii) Flyover ramps;

9 (iv) Park and ride lots;

10 (v) Bus pullouts;

11 (vi) Vans for vanpools;

12 (vii) Buses; and

13 (viii) Signalization, ramp metering, and other transportation  
14 system management improvements.

15 (c) A capital improvement or improvements to all or a portion of a  
16 city street, county road, or existing highway or the creation of a new  
17 highway that intersects with a highway of statewide significance, if  
18 all of the following conditions are met:

19 (i) The project is included in a plan that makes highway  
20 improvement projects that add capacity to a highway or highways of  
21 statewide significance;

22 (ii) The secretary of transportation determines that the project  
23 would better relieve traffic congestion than investing that same money  
24 in adding capacity to a highway of statewide significance;

25 (iii) Matching money equal to (~~one-third~~) fifteen percent of the  
26 total cost of the project is provided by local entities, including but  
27 not limited to a metropolitan planning organization, county, city,  
28 port, or private entity in which a county participating in a plan is  
29 located. Local entities may use federal grants to meet this matching  
30 requirement;

31 (iv) In no case may the cumulative regional transportation  
32 investment district contribution to all projects constructed under this  
33 subsection (8)(c) exceed ten percent of the revenues generated by the  
34 district;

35 (v) In no case may the cumulative regional transportation  
36 investment district contribution to all projects constructed under this  
37 subsection (8)(c) exceed one billion dollars; and

1 (vi) The specific projects are included within the plan and  
2 submitted as part of the plan to a vote of the people.

3 (d) Any project contained in the state transportation plan or a  
4 regional transportation planning organization that is of statewide or  
5 regional significance, including, without limitation, investment in new  
6 or existing highways of statewide significance, principal arterials of  
7 regional significance, high-capacity transportation, public  
8 transportation, and other transportation projects of regional or  
9 statewide significance, including transportation demand management.

10 (e) Operations, preservation, and maintenance (~~((are excluded from~~  
11 ~~this definition and))~~) of any facility or program authorized by this  
12 section may ((not)) be included in a regional transportation investment  
13 plan.

14 (9) "Weighted vote" means a vote that reflects the population each  
15 board or planning committee member represents relative to the  
16 population represented by the total membership of the board or planning  
17 committee. Population will be determined using the federal 2000 census  
18 or subsequent federal census data.

19 **Sec. 10.** RCW 36.120.030 and 2002 c 56 s 103 are each amended to  
20 read as follows:

21 Regional transportation investment district planning committees are  
22 advisory entities that are created, convened, and empowered as follows:

23 (1) A county with a population over one million five hundred  
24 thousand persons and any adjoining counties with a population over five  
25 hundred thousand persons may create a regional transportation  
26 investment district and shall convene a regional transportation  
27 investment district planning committee.

28 (a) The boundaries of the district should include at least the  
29 contiguous areas within the regional transit authority serving the  
30 counties. A city must be entirely within or entirely outside district  
31 boundaries. The boundaries must be proposed by the district and  
32 approved by the county legislative authorities by ordinance before or  
33 in conjunction with approval of a regional transportation investment  
34 plan. Boundaries must follow contiguous parcels of land. However, any  
35 portion of a county that is located on a peninsula may be exempt from  
36 a regional transportation investment district in which more than one  
37 county is included if (i) the portion of the county located on the

1 peninsula is connected to the other portion of the county by a bridge  
2 improved under chapter 47.46 RCW, and (ii) the county has a national  
3 park and a population of more than five hundred thousand persons, but  
4 less than one million five hundred thousand persons.

5 (b) After voters within the district boundaries have approved a  
6 plan under RCW 36.120.070, elections to add areas to the district  
7 boundaries may be called by a resolution of the board, after  
8 consultation with the regional transportation planning organization and  
9 affected transit agencies and with the concurrence of the legislative  
10 authority of the city or town if the area is incorporated or with the  
11 concurrence of the county legislative authority if the area is  
12 unincorporated. The election may include a single ballot measure  
13 providing annexation to the district, approval of the plan, and  
14 approval of revenue sources necessary to finance the plan. The  
15 electorate are the voters voting within the proposed area to be  
16 annexed. A simple majority of the persons voting on the single ballot  
17 measure is required for approval of the measure. This option for  
18 annexation applies to areas within the counties initially establishing  
19 a district and also to areas within a county having a population over  
20 two hundred thirty thousand persons and whose boundaries abut three  
21 counties eligible to form a district under this subsection.

22 (2) The members of the legislative authorities participating in  
23 planning under this chapter shall serve as the district planning  
24 committee. Members of the planning committee receive no compensation,  
25 but may be reimbursed for travel and incidental expenses as the  
26 planning committee deems appropriate.

27 The secretary of transportation, or the appropriate regional  
28 administrator of the department, as named by the secretary, shall serve  
29 on the committee as a nonvoting member.

30 (3) A regional transportation investment district planning  
31 committee may be entitled to state funding, as appropriated by the  
32 legislature, for start-up funding to pay for salaries, expenses,  
33 overhead, supplies, and similar expenses ordinarily and necessarily  
34 incurred in selecting transportation projects and funding for those  
35 transportation projects under this chapter. Upon creation of a  
36 regional transportation investment district, the district shall within  
37 one year reimburse the state for any sums advanced for these start-up  
38 costs from the state.

1 (4) The planning committee shall conduct its affairs and formulate  
2 a regional transportation investment plan as provided under RCW  
3 36.120.040, except that it shall elect an executive board of seven  
4 members to discharge the duties of the planning committee and formulate  
5 a regional transportation investment plan, subject to the approval of  
6 the full committee.

7 (5) At its first meeting, a regional transportation investment  
8 district planning committee may elect officers and provide for the  
9 adoption of rules and other operating procedures.

10 (6) Governance of and decisions by a regional transportation  
11 investment district planning committee must be by a sixty-percent  
12 weighted majority vote of the total membership.

13 (7) The planning committee may dissolve itself at any time by a  
14 two-thirds weighted majority vote of the total membership of the  
15 planning committee.

16 **Sec. 11.** RCW 36.120.040 and 2003 c 194 s 1 are each amended to  
17 read as follows:

18 (1) A regional transportation investment district planning  
19 committee shall adopt a regional transportation investment plan  
20 providing for the development, construction, and financing of  
21 transportation projects. The planning committee may consider the  
22 following factors in formulating its plan:

23 (a) Land use planning criteria;

24 (b) The input of cities located within a participating county; and

25 (c) The input of regional transportation planning organizations  
26 (~~in~~) of which a participating county is (~~located~~) a member. A  
27 regional transportation planning organization in which a participating  
28 county is located shall review its adopted regional transportation plan  
29 and submit, for the planning committee's consideration, its list of  
30 transportation improvement priorities.

31 (2) The planning committee may coordinate its activities with the  
32 department, which shall provide services, data, and personnel to assist  
33 in this planning as desired by the planning committee. In addition,  
34 the planning committee may coordinate its activities with affected  
35 cities, towns, and other local governments, including any regional  
36 transit authority existing within the participating counties'  
37 boundaries, that engage in transportation planning.

1 (3) The planning committee shall:

2 (a) Conduct public meetings that are needed to assure active public  
3 participation in the development of the plan;

4 (b) Adopt a plan proposing the:

5 (i) Creation of a regional transportation investment district,  
6 including district boundaries; and

7 (ii) Construction of transportation projects to improve mobility  
8 within each county and within the region. Operations, maintenance, and  
9 preservation of facilities or systems may (~~not~~) be part of the plan;

10 (c) Recommend sources of revenue authorized by RCW 36.120.050 and  
11 a financing plan to fund selected transportation projects. The overall  
12 plan of the district must leverage the district's financial  
13 contributions so that the federal, state, local, and other revenue  
14 sources continue to fund major congestion relief and transportation  
15 capacity improvement projects in each county and the district. A  
16 combination of local, state, and federal revenues may be necessary to  
17 pay for transportation projects, and the planning committee shall  
18 consider all of these revenue sources in developing a plan.

19 (4) The plan must use tax revenues and related debt for projects  
20 that generally benefit a participating county in proportion to the  
21 general level of tax revenues generated within that participating  
22 county. This equity principle applies to all modifications to the  
23 plan, appropriation of contingency funds not identified within the  
24 project estimate, and future phases of the plan. During implementation  
25 of the plan, the board shall retain the flexibility to manage  
26 distribution of revenues, debt, and project schedules so that the  
27 district may effectively implement the plan. Nothing in this section  
28 should be interpreted to prevent the district from pledging district-  
29 wide tax revenues for payment of any contract or debt entered into  
30 under RCW 36.120.130.

31 (5) Before adopting the plan, the planning committee, with  
32 assistance from the department, shall work with the lead agency to  
33 develop accurate cost forecasts for transportation projects. This  
34 project costing methodology must be integrated with revenue forecasts  
35 in developing the plan and must at a minimum include estimated project  
36 costs in constant dollars as well as year of expenditure dollars, the  
37 range of project costs reflected by the level of project design,  
38 project contingencies, identification of mitigation costs, the range of

1 revenue forecasts, and project and plan cash flow and bond analysis.  
2 The plan submitted to the voters must provide cost estimates for each  
3 project, including reasonable contingency costs. Plans submitted to  
4 the voters must provide that the maximum amount possible of the funds  
5 raised will be used to fund projects in the plan, including  
6 environmental improvements and mitigation, and that administrative  
7 costs be minimized. If actual revenue exceeds actual plan costs, the  
8 excess revenues must be used to retire any outstanding debt associated  
9 with the plan.

10 (6) If a county opts not to adopt the plan or participate in the  
11 regional transportation investment district, but two or more contiguous  
12 counties do choose to continue to participate, then the planning  
13 committee may, within ninety days, redefine the regional transportation  
14 investment plan and the ballot measure to be submitted to the people to  
15 reflect elimination of the county, and submit the redefined plan to the  
16 legislative authorities of the remaining counties for their decision as  
17 to whether to continue to adopt the redefined plan and participate.  
18 This action must be completed within sixty days after receipt of the  
19 redefined plan.

20 (7) Once adopted by the planning committee, the plan must be  
21 forwarded to the participating county legislative authorities to  
22 initiate the election process under RCW 36.120.070. The planning  
23 committee shall at the same time provide notice to each city and town  
24 within the district, the governor, the chairs of the transportation  
25 committees of the legislature, the secretary of transportation, and  
26 each legislator whose legislative district is partially or wholly  
27 within the boundaries of the district.

28 (8) If the ballot measure is not approved, the planning committee  
29 may redefine the selected transportation projects, financing plan, and  
30 the ballot measure. The county legislative authorities may approve the  
31 new plan and ballot measure, and may then submit the revised  
32 proposition to the voters at the next election or a special election.  
33 If no ballot measure is approved by the voters by the third vote, the  
34 planning committee is dissolved.

35 **Sec. 12.** RCW 36.120.070 and 2002 c 56 s 107 are each amended to  
36 read as follows:

37 Beginning no sooner than the 2007 general election, and subject to

1 the approval of the regional transportation commission established in  
2 section 2 of this act, or its successor entity, two or more contiguous  
3 county legislative authorities, upon receipt of the regional  
4 transportation investment plan under RCW 36.120.040, may (~~certify the~~  
5 plan to the ballot, including identification of the tax options))  
6 submit to the voters of the proposed district a single ballot measure  
7 that approves formation of the district, approves the regional  
8 transportation investment plan, and approves the revenue sources  
9 necessary to (~~fund~~) finance the plan. (~~County legislative~~  
10 authorities)) For a county to participate in the plan, the county  
11 legislative authorities shall, within ninety days after receiving the  
12 plan, adopt an ordinance indicating the county's participation. The  
13 planning committee may draft (~~a ballot title,~~) the ballot measure on  
14 behalf of the county legislative authorities, and the county  
15 legislative authorities may give notice as required by law for ballot  
16 measures, and perform other duties as required to (~~put the plan~~  
17 before)) submit the measure to the voters of the proposed district for  
18 their approval or rejection (~~as a single ballot measure that both~~  
19 approves formation of the district and approves the plan)). Counties  
20 may negotiate interlocal agreements necessary to implement the plan.  
21 The electorate will be the voters voting within the boundaries of the  
22 (~~participating counties~~) proposed district. A simple majority of the  
23 total persons voting on the single ballot measure (~~to approve the~~  
24 plan, establish the district, and approve the taxes and fees)) is  
25 required for approval.

26 **Sec. 13.** RCW 29A.36.071 and 2004 c 271 s 169 are each amended to  
27 read as follows:

28 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
29 or 82.80.090, the ballot title of any referendum filed on an enactment  
30 or portion of an enactment of a local government and any other question  
31 submitted to the voters of a local government consists of three  
32 elements: (a) An identification of the enacting legislative body and  
33 a statement of the subject matter; (b) a concise description of the  
34 measure; and (c) a question. The ballot title must conform with the  
35 requirements and be displayed substantially as provided under RCW  
36 29A.72.050, except that the concise description must not exceed  
37 seventy-five words; however, a concise description submitted on behalf

1 of a regional transportation investment district may exceed seventy-  
2 five words. If the local governmental unit is a city or a town, the  
3 concise statement shall be prepared by the city or town attorney. If  
4 the local governmental unit is a county, the concise statement shall be  
5 prepared by the prosecuting attorney of the county. If the unit is a  
6 unit of local government other than a city, town, or county, the  
7 concise statement shall be prepared by the prosecuting attorney of the  
8 county within which the majority area of the unit is located.

9 (2) A referendum measure on the enactment of a unit of local  
10 government shall be advertised in the manner provided for nominees for  
11 elective office.

12 (3) Subsection (1) of this section does not apply if another  
13 provision of law specifies the ballot title for a specific type of  
14 ballot question or proposition.

15 **Sec. 14.** RCW 36.120.080 and 2002 c 56 s 108 are each amended to  
16 read as follows:

17 If the voters approve the plan, including creation of a regional  
18 transportation investment district and imposition of taxes and fees,  
19 the district will be declared formed. The county election officials of  
20 participating counties shall, within fifteen days of the final  
21 certification of the election results, publish a notice in a newspaper  
22 or newspapers of general circulation in the district declaring the  
23 district formed, and mail copies of the notice to the governor, the  
24 secretary of transportation, the executive director of the regional  
25 transit authority in which any part of the district is located, and the  
26 executive director of the regional transportation planning organization  
27 in which any part of the district is located. A party challenging the  
28 procedure or the formation of a voter-approved district must file the  
29 challenge in writing by serving the prosecuting attorney of the  
30 participating counties and the attorney general within thirty days  
31 after the final certification of the election. Failure to challenge  
32 within that time forever bars further challenge of the district's valid  
33 formation.

34 **Sec. 15.** RCW 36.120.110 and 2002 c 56 s 111 are each amended to  
35 read as follows:

1 (1) The governing board of the district is responsible for the  
2 execution of the voter-approved plan. The board shall:

3 (a) Impose taxes and fees authorized by district voters;

4 (b) Enter into agreements with state, local, and regional agencies  
5 and departments as necessary to accomplish district purposes and  
6 protect the district's investment in transportation projects;

7 (c) Accept gifts, grants, or other contributions of funds that will  
8 support the purposes and programs of the district;

9 (d) Monitor and audit the progress and execution of transportation  
10 projects to protect the investment of the public and annually make  
11 public its findings;

12 (e) Pay for services and enter into leases and contracts, including  
13 professional service contracts;

14 (f) Hire no more than ten employees, including a director or  
15 executive officer, a treasurer or financial officer, a project manager  
16 or engineer, a project permit coordinator, and clerical staff; and

17 (g) Coordinate its activities with affected cities, towns, and  
18 other local governments, including any regional transit authority  
19 existing either partially or entirely within the district area, that  
20 engage in transportation planning; and

21 (h) Exercise other powers and duties as may be reasonable to carry  
22 out the purposes of the district.

23 (2) It is the intent of the legislature that existing staff  
24 resources of lead agencies be used in implementing this chapter. A  
25 district may coordinate its activities with the department, which shall  
26 provide services, data, and personnel to assist as desired by the  
27 regional transportation investment district. Lead agencies for  
28 transportation projects that are not state facilities shall also  
29 provide staff support for the board.

30 (3) A district may not acquire, hold, or dispose of real property.

31 (4) Except as provided in section 9(8)(e) of this act, a district  
32 may not own, operate, or maintain an ongoing facility, road, or  
33 transportation system.

34 (5) A district may accept and expend or use gifts, grants, or  
35 donations.

36 (6) It is the intent of the legislature that administrative and  
37 overhead costs of a regional transportation investment district be  
38 minimized. For transportation projects costing up to fifty million

1 dollars, administrative and overhead costs may not exceed three percent  
2 of the total construction and design project costs per year. For  
3 transportation projects costing more than fifty million dollars,  
4 administrative and overhead costs may not exceed three percent of the  
5 first fifty million dollars in costs, plus an additional one-tenth of  
6 one percent of each additional dollar above fifty million. These  
7 limitations apply only to the district, and do not limit the  
8 administration or expenditures of the department.

9 (7) A district may use the design-build procedure for  
10 transportation projects developed by it. As used in this section  
11 "design-build procedure" means a method of contracting under which the  
12 district contracts with another party for that party to both design and  
13 build the structures, facilities, and other items specified in the  
14 contract. The requirements and limitations of RCW 47.20.780 and  
15 47.20.785 do not apply to the transportation projects under this  
16 chapter.

17 **Sec. 16.** RCW 81.112.030 and 1994 c 44 s 1 are each amended to read  
18 as follows:

19 Two or more contiguous counties each having a population of four  
20 hundred thousand persons or more may establish a regional transit  
21 authority to develop and operate a high capacity transportation system  
22 as defined in chapter 81.104 RCW.

23 The authority shall be formed in the following manner:

24 (1) The joint regional policy committee created pursuant to RCW  
25 81.104.040 shall adopt a system and financing plan, including the  
26 definition of the service area. This action shall be completed by  
27 September 1, 1992, contingent upon satisfactory completion of the  
28 planning process defined in RCW 81.104.100. The final system plan  
29 shall be adopted no later than June 30, 1993. In addition to the  
30 requirements of RCW 81.104.100, the plan for the proposed system shall  
31 provide explicitly for a minimum portion of new tax revenues to be  
32 allocated to local transit agencies for interim express services. Upon  
33 adoption the joint regional policy committee shall immediately transmit  
34 the plan to the county legislative authorities within the adopted  
35 service area.

36 (2) The legislative authorities of the counties within the service  
37 area shall decide by resolution whether to participate in the

1 authority. This action shall be completed within forty-five days  
2 following receipt of the adopted plan or by August 13, 1993, whichever  
3 comes first.

4 (3) Each county that chooses to participate in the authority shall  
5 appoint its board members as set forth in RCW 81.112.040 and shall  
6 submit its list of members to the secretary of the Washington state  
7 department of transportation. These actions must be completed within  
8 thirty days following each county's decision to participate in the  
9 authority.

10 (4) The secretary shall call the first meeting of the authority, to  
11 be held within thirty days following receipt of the appointments. At  
12 its first meeting, the authority shall elect officers and provide for  
13 the adoption of rules and other operating procedures.

14 (5) The authority is formally constituted at its first meeting and  
15 the board shall begin taking steps toward implementation of the system  
16 and financing plan adopted by the joint regional policy committee. If  
17 the joint regional policy committee fails to adopt a plan by June 30,  
18 1993, the authority shall proceed to do so based on the work completed  
19 by that date by the joint regional policy committee. Upon formation of  
20 the authority, the joint regional policy committee shall cease to  
21 exist. The authority may make minor modifications to the plan as  
22 deemed necessary and shall at a minimum review local transit agencies'  
23 plans to ensure feeder service/high capacity transit service  
24 integration, ensure fare integration, and ensure avoidance of parallel  
25 competitive services. The authority shall also conduct a minimum  
26 thirty-day public comment period.

27 (6) If the authority determines that major modifications to the  
28 plan are necessary before the initial ballot proposition is submitted  
29 to the voters, the authority may make those modifications with a  
30 favorable vote of two-thirds of the entire membership. Any such  
31 modification shall be subject to the review process set forth in RCW  
32 81.104.110. The modified plan shall be transmitted to the legislative  
33 authorities of the participating counties. The legislative authorities  
34 shall have forty-five days following receipt to act by motion or  
35 ordinance to confirm or rescind their continued participation in the  
36 authority.

37 (7) If any county opts to not participate in the authority, but two  
38 or more contiguous counties do choose to continue to participate, the

1 authority's board shall be revised accordingly. The authority shall,  
2 within forty-five days, redefine the system and financing plan to  
3 reflect elimination of one or more counties, and submit the redefined  
4 plan to the legislative authorities of the remaining counties for their  
5 decision as to whether to continue to participate. This action shall  
6 be completed within forty-five days following receipt of the redefined  
7 plan.

8 (8) The authority shall place on the ballot within two years of the  
9 authority's formation, a single ballot proposition to authorize the  
10 imposition of taxes to support the implementation of an appropriate  
11 phase of the plan within its service area. In addition to the system  
12 plan requirements contained in RCW 81.104.100(2)(d), the system plan  
13 approved by the authority's board before the submittal of a proposition  
14 to the voters shall contain an equity element which:

15 (a) Identifies revenues anticipated to be generated by corridor and  
16 by county within the authority's boundaries;

17 (b) Identifies the phasing of construction and operation of high  
18 capacity system facilities, services, and benefits in each corridor.  
19 Phasing decisions should give priority to jurisdictions which have  
20 adopted transit-supportive land use plans; and

21 (c) Identifies the degree to which revenues generated within each  
22 county will benefit the residents of that county, and identifies when  
23 such benefits will accrue.

24 A simple majority of those voting within the boundaries of the  
25 authority is required for approval. If the vote is affirmative, the  
26 authority shall begin implementation of the projects identified in the  
27 proposition. However, the authority may not submit any authorizing  
28 proposition for voter-approved taxes prior to July 1, 1993; nor may the  
29 authority issue bonds or form any local improvement district prior to  
30 July 1, 1993.

31 (9) If the vote on a proposition fails, the board may redefine the  
32 proposition, make changes to the authority boundaries, and make  
33 corresponding changes to the composition of the board. If the  
34 composition of the board is changed, the participating counties shall  
35 revise the membership of the board accordingly. The board may then  
36 submit the revised proposition or a different proposition to the  
37 voters. No single proposition may be submitted to the voters more than  
38 twice.

1       (10) Beginning no sooner than the 2007 general election, and  
2 subject to the approval of the regional transportation commission  
3 established in section 2 of this act, or its successor entity, the  
4 authority may place additional propositions on the ballot to impose  
5 taxes to support additional phases of plan implementation. In  
6 conjunction with RCW 36.120.070, the proposition may be submitted to  
7 the voters as a common ballot measure along with a proposed regional  
8 transportation investment plan.

9       (11) If the authority is unable to achieve a positive vote on a  
10 proposition within two years from the date of the first election on a  
11 proposition, the board may, by resolution, reconstitute the authority  
12 as a single-county body. With a two-thirds vote of the entire  
13 membership of the voting members, the board may also dissolve the  
14 authority.

15       **Sec. 17.** RCW 35.95A.080 and 2002 c 248 s 9 are each amended to  
16 read as follows:

17       (1) Every authority has the power to levy and collect a special  
18 excise tax not exceeding two and one-half percent on the value of every  
19 motor vehicle owned by a resident of the authority area for the  
20 privilege of using a motor vehicle. ~~((Before utilization of any excise~~  
21 ~~tax money collected under this section for acquisition of right of way~~  
22 ~~or construction of a public monorail transportation facility on a~~  
23 ~~separate right of way, the authority must adopt rules affording the~~  
24 ~~public an opportunity for corridor public hearings and design public~~  
25 ~~hearings, which provide in detail the procedures necessary for public~~  
26 ~~participation in the following instances:— (a) Prior to adoption of~~  
27 ~~location and design plans having a substantial social, economic, or~~  
28 ~~environmental effect upon the locality upon which they are to be~~  
29 ~~constructed; or (b) on the public transportation facilities operating~~  
30 ~~on a separate right of way whenever a substantial change is proposed~~  
31 ~~relating to location or design in the adopted plan. In adopting rules~~  
32 ~~the authority must adhere to the provisions of the administrative~~  
33 ~~procedure act.~~

34       ~~(2) A "corridor public hearing" is a public hearing that:— (a) Is~~  
35 ~~held before the authority is committed to a specific route proposal for~~  
36 ~~the public transportation facility, and before a route location is~~  
37 ~~established; (b) is held to afford an opportunity for participation by~~

1 those interested in the determination of the need for, and the location  
2 of, the public transportation facility; and (c) provides a public forum  
3 that affords a full opportunity for presenting views on the public  
4 transportation facility route location, and the social, economic, and  
5 environmental effects on that location and alternate locations.  
6 However, the hearing is not deemed to be necessary before adoption of  
7 a transportation plan as provided in section 7 of this act or a vote of  
8 the qualified electors under subsection (5) of this section.

9 (3) A "design public hearing" is a public hearing that: (a) Is  
10 held after the location is established but before the design is  
11 adopted; (b) is held to afford an opportunity for participation by  
12 those interested in the determination of major design features of the  
13 public monorail transportation facility; and (c) provides a public  
14 forum to afford a full opportunity for presenting views on the public  
15 transportation system design, and the social, economic, and  
16 environmental effects of that design and alternate designs, including  
17 people mover technology.

18 (4) An authority imposing a tax under subsection (1) of this  
19 section may also impose a sales and use tax, in addition to any tax  
20 authorized by RCW 82.14.030, upon retail car rentals within the city  
21 that are taxable by the state under chapters 82.08 and 82.12 RCW. The  
22 rate of tax must not exceed 1.944 percent of the base of the tax. The  
23 base of the tax will be the selling price in the case of a sales tax or  
24 the rental value of the vehicle used in the case of a use tax. The  
25 revenue collected under this subsection will be distributed in the same  
26 manner as sales and use taxes under chapter 82.14 RCW.

27 (5) Before any authority may impose any of the taxes authorized  
28 under this section, the authorization for imposition of the taxes must  
29 be approved by the qualified electors of the authority area.)) An  
30 authority shall not decrease the tax rate levied as of January 1, 2006,  
31 and shall not levy or collect the special excise tax under this section  
32 once the debt and obligations, including judgments, of the authority  
33 have been satisfied.

34 (2) After the debt and obligations, including judgments, of the  
35 city transportation authority have been satisfied as determined under  
36 section 5 of this act: (a) The governing body of the authority shall  
37 send to the governing body of the city with a population of five  
38 hundred sixty thousand or more in which the authority is wholly located

1 a letter certifying that the debt is retired and a contingency account  
2 has been funded in an amount determined by the governing body of the  
3 authority to be sufficient to resolve any existing and reasonably  
4 foreseeable legal claims against the authority; and (b) the governing  
5 body of a city with a population of five hundred sixty thousand or more  
6 may, upon the approval by a majority vote of the electors residing  
7 within the city voting at a regular or special election, levy and  
8 collect a special excise tax not exceeding two and one-half percent on  
9 the value of every motor vehicle owned by a resident of the authority  
10 area for the privilege of using a motor vehicle.

11 **Sec. 18.** RCW 35.95A.110 and 2002 c 248 s 12 are each amended to  
12 read as follows:

13 (1) All taxes and fees levied and collected by an authority must be  
14 used solely for the purpose of paying all or any part of ((the cost of  
15 acquiring, designing, constructing, equipping, maintaining, or  
16 operating public monorail transportation facilities or contracting for  
17 the services thereof, or to pay or secure the payment of all or part  
18 of)) the principal of or interest on any general obligation bonds or  
19 revenue bonds issued for authority purposes. ((Until expended, money  
20 accumulated in the funds and accounts of an authority may be invested  
21 in the manner authorized by the governing body of the authority,  
22 consistent with state law.))

23 If any of the revenue from any tax or fee authorized to be levied  
24 by an authority has been pledged by the authority to secure the payment  
25 of any bonds as herein authorized, then as long as that pledge is in  
26 effect the legislature will not withdraw from the authority the  
27 authorization to levy and collect the tax or fee.

28 (2) All taxes and fees levied and collected by a city under section  
29 5 of this act must be used for funding nonmonorail transit within the  
30 city.

31 **Sec. 19.** RCW 36.120.050 and 2003 c 350 s 4 are each amended to  
32 read as follows:

33 (1) A regional transportation investment district planning  
34 committee may, as part of a regional transportation investment plan,  
35 recommend the imposition of some or all of the following revenue

1 sources, which a regional transportation investment district may impose  
2 upon approval of the voters as provided in this chapter:

3 (a) A regional sales and use tax, as specified in RCW 82.14.430, of  
4 up to ~~((0.5))~~ 0.1 percent of the selling price, in the case of a sales  
5 tax, or value of the article used, in the case of a use tax, upon the  
6 occurrence of any taxable event in the regional transportation  
7 investment district;

8 (b) A local option vehicle license fee, as specified under RCW  
9 82.80.100, of up to one hundred dollars per vehicle registered in the  
10 district. As used in this subsection, "vehicle" means motor vehicle as  
11 defined in RCW 46.04.320. Certain classes of vehicles, as defined  
12 under chapter 46.04 RCW, may be exempted from this fee;

13 (c) A parking tax under RCW 82.80.030;

14 (d) A local motor vehicle excise tax under RCW 81.100.060 and  
15 chapter 81.104 RCW;

16 (e) A local option fuel tax under RCW 82.80.120;

17 (f) An employer excise tax under RCW 81.100.030; and

18 (g) Vehicle tolls on new or reconstructed ~~((facilities-))~~ local or  
19 regional arterials or state or federal highways within the boundaries  
20 of the district, if the following conditions are met:

21 (i) Any such toll must be approved by the transportation commission  
22 or its successor;

23 (ii) The regional transportation investment plan must identify the  
24 facilities that may be tolled; and

25 (iii) Unless otherwise specified by law, the department shall  
26 administer the collection of vehicle tolls on designated facilities,  
27 and the state transportation commission, or its successor, shall be the  
28 tolling authority.

29 (2) Taxes, fees, and tolls may not be imposed without an  
30 affirmative vote of the majority of the voters within the boundaries of  
31 the district voting on a ballot proposition as set forth in RCW  
32 36.120.070. Revenues from these taxes and fees may be used only to  
33 implement the plan as set forth in this chapter. A district may  
34 contract with the state department of revenue or other appropriate  
35 entities for administration and collection of any of the taxes or fees  
36 authorized in this section.

37 (3) Existing statewide motor vehicle fuel and special fuel taxes,

1 at the distribution rates in effect on January 1, 2001, are not  
2 intended to be altered by this chapter.

3 **Sec. 20.** RCW 81.100.080 and 1990 c 43 s 19 are each amended to  
4 read as follows:

5 Funds collected under RCW 81.100.030 or 81.100.060 and any  
6 investment earnings accruing thereon shall be used by the county or the  
7 regional transportation investment district in a manner consistent with  
8 the regional transportation plan only for costs of collection, costs of  
9 preparing, adopting, and enforcing agreements under RCW 81.100.030(3),  
10 for construction of high occupancy vehicle lanes and related  
11 facilities, mitigation of environmental concerns that result from  
12 construction or use of high occupancy vehicle lanes and related  
13 facilities, by an investment district for projects contained in a plan  
14 developed under chapter 36.120 RCW, payment of principal and interest  
15 on bonds issued for the purposes of this section, for high occupancy  
16 vehicle programs as defined in RCW 81.100.020(5), and for commuter rail  
17 projects in accordance with RCW 81.104.120. Except for funds raised by  
18 an investment district, no funds collected under RCW 81.100.030 or  
19 81.100.060 after June 30, 2000, may be pledged for the payment or  
20 security of the principal or interest on any bonds issued for the  
21 purposes of this section. Not more than ten percent of the funds may  
22 be used for transit agency high occupancy vehicle programs.

23 Priorities for construction of high occupancy vehicle lanes and  
24 related facilities shall be as follows:

25 (1)(a) To accelerate construction of high occupancy vehicle lanes  
26 on the interstate highway system, as well as related facilities;

27 (b) To finance or accelerate construction of high occupancy vehicle  
28 lanes on the noninterstate state highway system, as well as related  
29 facilities.

30 (2) To finance construction of high occupancy vehicle lanes on  
31 local arterials, as well as related facilities.

32 Moneys received by ~~((an agency))~~ a county under this chapter shall  
33 be used in addition to, and not as a substitute for, moneys currently  
34 used by the ~~((agency))~~ county for the purposes specified in this  
35 section.

36 Counties and investment districts may contract with cities or the  
37 state department of transportation for construction of high occupancy

1 vehicle lanes and related facilities, and may issue general obligation  
2 bonds to fund such construction and use funds received under this  
3 chapter to pay the principal and interest on such bonds.

4 **Sec. 21.** RCW 81.100.060 and 2002 c 56 s 411 are each amended to  
5 read as follows:

6 A county with a population of one million or more and a county with  
7 a population of from two hundred ten thousand to less than one million  
8 that is adjoining a county with a population of one million or more,  
9 having within their boundaries existing or planned high-occupancy  
10 vehicle lanes on the state highway system, or a regional transportation  
11 investment district (~~((for capital improvements))~~), but only to the  
12 extent that the surcharge has not already been imposed by the county,  
13 may, with voter approval, impose a local surcharge of not more than  
14 three-tenths of one percent in the case of a county, or six-tenths of  
15 one percent in the case of a regional transportation investment  
16 district, of the value on vehicles registered to a person residing  
17 within the county or investment district and not more than 13.64  
18 percent on the state sales and use taxes paid under the rate in RCW  
19 82.08.020(2) on retail car rentals within the county or investment  
20 district. A county may impose the surcharge only to the extent that it  
21 has not been imposed by the district. No surcharge may be imposed on  
22 vehicles licensed under RCW 46.16.070 except vehicles with an unladen  
23 weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or  
24 46.16.090.

25 Counties or investment districts imposing a tax under this section  
26 shall contract, before the effective date of the resolution or  
27 ordinance imposing a surcharge, administration and collection to the  
28 state department of licensing, and department of revenue, as  
29 appropriate, which shall deduct (~~((an))~~) a percentage amount, as provided  
30 by contract, not to exceed two percent of the taxes, for administration  
31 and collection expenses incurred by the department. All administrative  
32 provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as  
33 they are applicable to motor vehicle excise taxes, be applicable to  
34 surcharges imposed under this section. A local sales and use tax  
35 change shall take effect no sooner than seventy-five days after the  
36 department of revenue receives notice of the change and only on the  
37 first day of January, April, July, or October. Notice includes

1 providing the department of revenue with the digital mapping and legal  
2 descriptions of areas in which the tax will be collected. All  
3 administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32  
4 RCW shall, insofar as they are applicable to state sales and use taxes,  
5 be applicable to surcharges imposed under this section.

6 If the tax authorized in RCW 81.100.030 is also imposed, the total  
7 proceeds from tax sources imposed under this section and RCW 81.100.030  
8 each year shall not exceed the maximum amount which could be collected  
9 under this section.

10 **Sec. 22.** RCW 82.14.430 and 2002 c 56 s 405 are each amended to  
11 read as follows:

12 (1) If approved by the majority of the voters within its boundaries  
13 voting on the ballot proposition, a regional transportation investment  
14 district may impose a sales and use tax of up to ~~((0.5))~~ 0.1 percent of  
15 the selling price or value of the article used in the case of a use  
16 tax. The tax authorized by this section is in addition to the tax  
17 authorized by RCW 82.14.030 and must be collected from those persons  
18 who are taxable by the state under chapters 82.08 and 82.12 RCW upon  
19 the occurrence of any taxable event within the taxing district. Motor  
20 vehicles are exempt from the sales and use tax imposed under this  
21 subsection.

22 (2) If approved by the majority of the voters within its boundaries  
23 voting on the ballot proposition, a regional transportation investment  
24 district may impose a tax on the use of a motor vehicle within a  
25 regional transportation investment district. The tax applies to those  
26 persons who reside within the regional transportation investment  
27 district. The rate of the tax may not exceed ~~((0.5))~~ 0.1 percent of  
28 the value of the motor vehicle. The tax authorized by this subsection  
29 is in addition to the tax authorized under RCW 82.14.030 and must be  
30 imposed and collected at the time a taxable event under RCW  
31 82.08.020(1) or 82.12.020 takes place. All revenue received under this  
32 subsection must be deposited in the local sales and use tax account and  
33 distributed to the regional transportation investment district  
34 according to RCW 82.14.050. The following provisions apply to the use  
35 tax in this subsection:

36 (a) Where persons are taxable under chapter 82.08 RCW, the seller

1 shall collect the use tax from the buyer using the collection  
2 provisions of RCW 82.08.050.

3 (b) Where persons are taxable under chapter 82.12 RCW, the use tax  
4 must be collected using the provisions of RCW 82.12.045.

5 (c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but  
6 does not include farm tractors or farm vehicles as defined in RCW  
7 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in  
8 RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

9 (d) "Person" has the meaning given in RCW 82.04.030.

10 (e) The value of a motor vehicle must be determined under RCW  
11 82.12.010.

12 (f) Except as specifically stated in this subsection (2), chapters  
13 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax  
14 imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW  
15 applies fully to the use tax.

16 NEW SECTION. **Sec. 23.** A new section is added to chapter 36.120  
17 RCW to read as follows:

18 A regional transportation investment district may adopt system-wide  
19 pricing policies and an implementation plan for the regional  
20 transportation system within its boundaries. "System-wide pricing"  
21 includes the tolling authority provided in RCW 36.120.050, network  
22 value-pricing authority provided in section 24 of this act, the  
23 authority to set regional transit fares as provided in RCW  
24 81.112.080(4), and other system pricing tools as determined by the  
25 district governing board. System-wide pricing charges authorized by  
26 this act may be imposed to improve performance of the regional  
27 transportation system, improve integration of transportation modes,  
28 finance transportation improvements, and measure needed investments.  
29 Pricing charges may vary for type of vehicle, time of day, traffic  
30 conditions, and other factors.

31 NEW SECTION. **Sec. 24.** A new section is added to chapter 82.80 RCW  
32 to read as follows:

33 (1) A regional transportation investment district may impose a  
34 network value-pricing charge based upon vehicle travel. This charge  
35 may be, but is not limited to, a charge upon the vehicle miles traveled  
36 within the district by a vehicle, or upon vehicle miles traveled within

1 certain corridors in the district, or upon total vehicle miles traveled  
2 by a vehicle registered to a person whose legal residence is within the  
3 district. Network value-pricing charges imposed may vary by type of  
4 vehicle, time of day, traffic conditions, and other factors.

5 (2) Charges imposed may be collected either periodically in a  
6 manner prescribed by the district governing board or annually by the  
7 department of licensing upon renewal of the vehicle license. The  
8 district governing board may identify categories of miles driven that  
9 are subject to or exempt from the charge including, but not limited to,  
10 travel outside the district, travel in specified corridors, time of  
11 travel, or exempt or maximum mileage charges.

12 (3) The mileage charge under this section is subject to the  
13 approval of the transportation commission or its statutory successor.

14 (4) A district governing board imposing a mileage charge collected  
15 annually by the department of licensing upon renewal of the vehicle  
16 license shall enter into a contract with the department of licensing.  
17 The contract must contain provisions that fully recover the costs to  
18 the department of licensing for collection and administration of the  
19 charge. The district governing board imposing this charge or  
20 initiating an exemption process shall provide at least six months'  
21 notice to the department of licensing before the implementation of any  
22 changes in registration amounts or exemptions.

23 **Sec. 25.** RCW 47.56.076 and 2005 c 335 s 3 are each amended to read  
24 as follows:

25 Upon approval of a majority of the voters within its boundaries  
26 voting on the ballot proposition, and (~~only for the purposes~~  
27 ~~authorized in RCW 36.120.050(1)(g))~~ with the approval of the state  
28 transportation commission or its successor, a regional transportation  
29 investment district may authorize and set vehicle tolls on a state  
30 (~~routes where improvements financed in whole or in part by a regional~~  
31 ~~transportation investment district add additional lanes to, or~~  
32 ~~reconstruct lanes on, a highway of statewide significance)) or federal  
33 highway within the boundaries of the district. The department shall  
34 administer the collection of vehicle tolls authorized on designated  
35 facilities unless otherwise specified in law or by contract, and the  
36 (~~state transportation~~) commission(~~( )~~) or its successor(~~( )~~) shall~~

1 (~~be the tolling authority~~) set and impose the tolls in amounts  
2 sufficient to implement the regional transportation investment plan  
3 under RCW 36.120.020.

4 NEW SECTION. Sec. 26. A new section is added to chapter 47.56 RCW  
5 to read as follows:

6 Notwithstanding any provision to the contrary in this chapter, a  
7 regional transportation investment district may impose vehicle tolls on  
8 either Lake Washington bridge within its boundaries and to implement a  
9 regional transportation investment plan as authorized in chapter 36.120  
10 RCW and RCW 47.56.076.

11 **Sec. 27.** RCW 43.79A.040 and 2005 c 424 s 18, 2005 c 402 s 8, 2005  
12 c 215 s 10, and 2005 c 16 s 2 are each reenacted and amended to read as  
13 follows:

14 (1) Money in the treasurer's trust fund may be deposited, invested,  
15 and reinvested by the state treasurer in accordance with RCW 43.84.080  
16 in the same manner and to the same extent as if the money were in the  
17 state treasury.

18 (2) All income received from investment of the treasurer's trust  
19 fund shall be set aside in an account in the treasury trust fund to be  
20 known as the investment income account.

21 (3) The investment income account may be utilized for the payment  
22 of purchased banking services on behalf of treasurer's trust funds  
23 including, but not limited to, depository, safekeeping, and  
24 disbursement functions for the state treasurer or affected state  
25 agencies. The investment income account is subject in all respects to  
26 chapter 43.88 RCW, but no appropriation is required for payments to  
27 financial institutions. Payments shall occur prior to distribution of  
28 earnings set forth in subsection (4) of this section.

29 (4)(a) Monthly, the state treasurer shall distribute the earnings  
30 credited to the investment income account to the state general fund  
31 except under (b) and (c) of this subsection.

32 (b) The following accounts and funds shall receive their  
33 proportionate share of earnings based upon each account's or fund's  
34 average daily balance for the period: The Washington promise  
35 scholarship account, the college savings program account, the  
36 Washington advanced college tuition payment program account, the

1 agricultural local fund, the American Indian scholarship endowment  
2 fund, the foster care scholarship endowment fund, the foster care  
3 endowed scholarship trust fund, the students with dependents grant  
4 account, the basic health plan self-insurance reserve account, the  
5 contract harvesting revolving account, the Washington state combined  
6 fund drive account, the commemorative works account, the Washington  
7 international exchange scholarship endowment fund, the developmental  
8 disabilities endowment trust fund, the energy account, the fair fund,  
9 the fruit and vegetable inspection account, the future teachers  
10 conditional scholarship account, the game farm alternative account, the  
11 grain inspection revolving fund, the juvenile accountability incentive  
12 account, the law enforcement officers' and fire fighters' plan 2  
13 expense fund, the local tourism promotion account, the produce railcar  
14 pool account, the regional transportation investment district account,  
15 the rural rehabilitation account, the stadium and exhibition center  
16 account, the youth athletic facility account, the self-insurance  
17 revolving fund, the sulfur dioxide abatement account, the children's  
18 trust fund, the Washington horse racing commission Washington bred  
19 owners' bonus fund account, the Washington horse racing commission  
20 class C purse fund account, the individual development account program  
21 account, the Washington horse racing commission operating account  
22 (earnings from the Washington horse racing commission operating account  
23 must be credited to the Washington horse racing commission class C  
24 purse fund account), and the life sciences discovery fund. However,  
25 the earnings to be distributed shall first be reduced by the allocation  
26 to the state treasurer's service fund pursuant to RCW 43.08.190.

27 (c) The following accounts and funds shall receive eighty percent  
28 of their proportionate share of earnings based upon each account's or  
29 fund's average daily balance for the period: The advanced right of way  
30 revolving fund, the advanced environmental mitigation revolving  
31 account, the city and county advance right-of-way revolving fund, the  
32 federal narcotics asset forfeitures account, the high occupancy vehicle  
33 account, the local rail service assistance account, and the  
34 miscellaneous transportation programs account.

35 (5) In conformance with Article II, section 37 of the state  
36 Constitution, no trust accounts or funds shall be allocated earnings  
37 without the specific affirmative directive of this section.

1       **Sec. 28.** RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005  
2 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are  
3 each reenacted and amended to read as follows:

4       (1) All earnings of investments of surplus balances in the state  
5 treasury shall be deposited to the treasury income account, which  
6 account is hereby established in the state treasury.

7       (2) The treasury income account shall be utilized to pay or receive  
8 funds associated with federal programs as required by the federal cash  
9 management improvement act of 1990. The treasury income account is  
10 subject in all respects to chapter 43.88 RCW, but no appropriation is  
11 required for refunds or allocations of interest earnings required by  
12 the cash management improvement act. Refunds of interest to the  
13 federal treasury required under the cash management improvement act  
14 fall under RCW 43.88.180 and shall not require appropriation. The  
15 office of financial management shall determine the amounts due to or  
16 from the federal government pursuant to the cash management improvement  
17 act. The office of financial management may direct transfers of funds  
18 between accounts as deemed necessary to implement the provisions of the  
19 cash management improvement act, and this subsection. Refunds or  
20 allocations shall occur prior to the distributions of earnings set  
21 forth in subsection (4) of this section.

22       (3) Except for the provisions of RCW 43.84.160, the treasury income  
23 account may be utilized for the payment of purchased banking services  
24 on behalf of treasury funds including, but not limited to, depository,  
25 safekeeping, and disbursement functions for the state treasury and  
26 affected state agencies. The treasury income account is subject in all  
27 respects to chapter 43.88 RCW, but no appropriation is required for  
28 payments to financial institutions. Payments shall occur prior to  
29 distribution of earnings set forth in subsection (4) of this section.

30       (4) Monthly, the state treasurer shall distribute the earnings  
31 credited to the treasury income account. The state treasurer shall  
32 credit the general fund with all the earnings credited to the treasury  
33 income account except:

34       (a) The following accounts and funds shall receive their  
35 proportionate share of earnings based upon each account's and fund's  
36 average daily balance for the period: The capitol building  
37 construction account, the Cedar River channel construction and  
38 operation account, the Central Washington University capital projects

1 account, the charitable, educational, penal and reformatory  
2 institutions account, the common school construction fund, the county  
3 criminal justice assistance account, the county sales and use tax  
4 equalization account, the data processing building construction  
5 account, the deferred compensation administrative account, the deferred  
6 compensation principal account, the department of retirement systems  
7 expense account, the developmental disabilities community trust  
8 account, the drinking water assistance account, the drinking water  
9 assistance administrative account, the drinking water assistance  
10 repayment account, the Eastern Washington University capital projects  
11 account, the education construction fund, the education legacy trust  
12 account, the election account, the emergency reserve fund, The  
13 Evergreen State College capital projects account, the federal forest  
14 revolving account, the freight mobility investment account, the health  
15 services account, the public health services account, the health system  
16 capacity account, the personal health services account, the state  
17 higher education construction account, the higher education  
18 construction account, the highway infrastructure account, the high-  
19 occupancy toll lanes operations account, the industrial insurance  
20 premium refund account, the judges' retirement account, the judicial  
21 retirement administrative account, the judicial retirement principal  
22 account, the local leasehold excise tax account, the local real estate  
23 excise tax account, the local sales and use tax account, the medical  
24 aid account, the mobile home park relocation fund, the multimodal  
25 transportation account, the municipal criminal justice assistance  
26 account, the municipal sales and use tax equalization account, the  
27 natural resources deposit account, the oyster reserve land account, the  
28 perpetual surveillance and maintenance account, the public employees'  
29 retirement system plan 1 account, the public employees' retirement  
30 system combined plan 2 and plan 3 account, the public facilities  
31 construction loan revolving account beginning July 1, 2004, the public  
32 health supplemental account, the Puyallup tribal settlement account,  
33 the real estate appraiser commission account, (~~the regional~~  
34 ~~transportation investment district account,~~) the resource management  
35 cost account, the rural Washington loan fund, the site closure account,  
36 the small city pavement and sidewalk account, the special wildlife  
37 account, the state employees' insurance account, the state employees'  
38 insurance reserve account, the state investment board expense account,

1 the state investment board commingled trust fund accounts, the  
2 supplemental pension account, the Tacoma Narrows toll bridge account,  
3 the teachers' retirement system plan 1 account, the teachers'  
4 retirement system combined plan 2 and plan 3 account, the tobacco  
5 prevention and control account, the tobacco settlement account, the  
6 transportation infrastructure account, the transportation partnership  
7 account, the tuition recovery trust fund, the University of Washington  
8 bond retirement fund, the University of Washington building account,  
9 the volunteer fire fighters' and reserve officers' relief and pension  
10 principal fund, the volunteer fire fighters' and reserve officers'  
11 administrative fund, the Washington fruit express account, the  
12 Washington judicial retirement system account, the Washington law  
13 enforcement officers' and fire fighters' system plan 1 retirement  
14 account, the Washington law enforcement officers' and fire fighters'  
15 system plan 2 retirement account, the Washington school employees'  
16 retirement system combined plan 2 and 3 account, the Washington state  
17 health insurance pool account, the Washington state patrol retirement  
18 account, the Washington State University building account, the  
19 Washington State University bond retirement fund, the water pollution  
20 control revolving fund, and the Western Washington University capital  
21 projects account. Earnings derived from investing balances of the  
22 agricultural permanent fund, the normal school permanent fund, the  
23 permanent common school fund, the scientific permanent fund, and the  
24 state university permanent fund shall be allocated to their respective  
25 beneficiary accounts. All earnings to be distributed under this  
26 subsection (4)(a) shall first be reduced by the allocation to the state  
27 treasurer's service fund pursuant to RCW 43.08.190.

28 (b) The following accounts and funds shall receive eighty percent  
29 of their proportionate share of earnings based upon each account's or  
30 fund's average daily balance for the period: The aeronautics account,  
31 the aircraft search and rescue account, the county arterial  
32 preservation account, the department of licensing services account, the  
33 essential rail assistance account, the ferry bond retirement fund, the  
34 grade crossing protective fund, the high capacity transportation  
35 account, the highway bond retirement fund, the highway safety account,  
36 the motor vehicle fund, the motorcycle safety education account, the  
37 pilotage account, the public transportation systems account, the Puget  
38 Sound capital construction account, the Puget Sound ferry operations

1 account, the recreational vehicle account, the rural arterial trust  
2 account, the safety and education account, the special category C  
3 account, the state patrol highway account, the transportation 2003  
4 account (nickel account), the transportation equipment fund, the  
5 transportation fund, the transportation improvement account, the  
6 transportation improvement board bond retirement account, and the urban  
7 arterial trust account.

8 (5) In conformance with Article II, section 37 of the state  
9 Constitution, no treasury accounts or funds shall be allocated earnings  
10 without the specific affirmative directive of this section.

11 **Sec. 29.** RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005  
12 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are  
13 each reenacted and amended to read as follows:

14 (1) All earnings of investments of surplus balances in the state  
15 treasury shall be deposited to the treasury income account, which  
16 account is hereby established in the state treasury.

17 (2) The treasury income account shall be utilized to pay or receive  
18 funds associated with federal programs as required by the federal cash  
19 management improvement act of 1990. The treasury income account is  
20 subject in all respects to chapter 43.88 RCW, but no appropriation is  
21 required for refunds or allocations of interest earnings required by  
22 the cash management improvement act. Refunds of interest to the  
23 federal treasury required under the cash management improvement act  
24 fall under RCW 43.88.180 and shall not require appropriation. The  
25 office of financial management shall determine the amounts due to or  
26 from the federal government pursuant to the cash management improvement  
27 act. The office of financial management may direct transfers of funds  
28 between accounts as deemed necessary to implement the provisions of the  
29 cash management improvement act, and this subsection. Refunds or  
30 allocations shall occur prior to the distributions of earnings set  
31 forth in subsection (4) of this section.

32 (3) Except for the provisions of RCW 43.84.160, the treasury income  
33 account may be utilized for the payment of purchased banking services  
34 on behalf of treasury funds including, but not limited to, depository,  
35 safekeeping, and disbursement functions for the state treasury and  
36 affected state agencies. The treasury income account is subject in all

1 respects to chapter 43.88 RCW, but no appropriation is required for  
2 payments to financial institutions. Payments shall occur prior to  
3 distribution of earnings set forth in subsection (4) of this section.

4 (4) Monthly, the state treasurer shall distribute the earnings  
5 credited to the treasury income account. The state treasurer shall  
6 credit the general fund with all the earnings credited to the treasury  
7 income account except:

8 (a) The following accounts and funds shall receive their  
9 proportionate share of earnings based upon each account's and fund's  
10 average daily balance for the period: The capitol building  
11 construction account, the Cedar River channel construction and  
12 operation account, the Central Washington University capital projects  
13 account, the charitable, educational, penal and reformatory  
14 institutions account, the common school construction fund, the county  
15 criminal justice assistance account, the county sales and use tax  
16 equalization account, the data processing building construction  
17 account, the deferred compensation administrative account, the deferred  
18 compensation principal account, the department of retirement systems  
19 expense account, the developmental disabilities community trust  
20 account, the drinking water assistance account, the drinking water  
21 assistance administrative account, the drinking water assistance  
22 repayment account, the Eastern Washington University capital projects  
23 account, the education construction fund, the education legacy trust  
24 account, the election account, the emergency reserve fund, The  
25 Evergreen State College capital projects account, the federal forest  
26 revolving account, the freight mobility investment account, the health  
27 services account, the public health services account, the health system  
28 capacity account, the personal health services account, the state  
29 higher education construction account, the higher education  
30 construction account, the highway infrastructure account, the high-  
31 occupancy toll lanes operations account, the industrial insurance  
32 premium refund account, the judges' retirement account, the judicial  
33 retirement administrative account, the judicial retirement principal  
34 account, the local leasehold excise tax account, the local real estate  
35 excise tax account, the local sales and use tax account, the medical  
36 aid account, the mobile home park relocation fund, the multimodal  
37 transportation account, the municipal criminal justice assistance  
38 account, the municipal sales and use tax equalization account, the

1 natural resources deposit account, the oyster reserve land account, the  
2 perpetual surveillance and maintenance account, the public employees'  
3 retirement system plan 1 account, the public employees' retirement  
4 system combined plan 2 and plan 3 account, the public facilities  
5 construction loan revolving account beginning July 1, 2004, the public  
6 health supplemental account, the public works assistance account, the  
7 Puyallup tribal settlement account, the real estate appraiser  
8 commission account, (~~the regional transportation investment district  
9 account, the resource management cost account,~~) the rural Washington  
10 loan fund, the site closure account, the small city pavement and  
11 sidewalk account, the special wildlife account, the state employees'  
12 insurance account, the state employees' insurance reserve account, the  
13 state investment board expense account, the state investment board  
14 commingled trust fund accounts, the supplemental pension account, the  
15 Tacoma Narrows toll bridge account, the teachers' retirement system  
16 plan 1 account, the teachers' retirement system combined plan 2 and  
17 plan 3 account, the tobacco prevention and control account, the tobacco  
18 settlement account, the transportation infrastructure account, the  
19 transportation partnership account, the tuition recovery trust fund,  
20 the University of Washington bond retirement fund, the University of  
21 Washington building account, the volunteer fire fighters' and reserve  
22 officers' relief and pension principal fund, the volunteer fire  
23 fighters' and reserve officers' administrative fund, the Washington  
24 fruit express account, the Washington judicial retirement system  
25 account, the Washington law enforcement officers' and fire fighters'  
26 system plan 1 retirement account, the Washington law enforcement  
27 officers' and fire fighters' system plan 2 retirement account, the  
28 Washington public safety employees' plan 2 retirement account, the  
29 Washington school employees' retirement system combined plan 2 and 3  
30 account, the Washington state health insurance pool account, the  
31 Washington state patrol retirement account, the Washington State  
32 University building account, the Washington State University bond  
33 retirement fund, the water pollution control revolving fund, and the  
34 Western Washington University capital projects account. Earnings  
35 derived from investing balances of the agricultural permanent fund, the  
36 normal school permanent fund, the permanent common school fund, the  
37 scientific permanent fund, and the state university permanent fund  
38 shall be allocated to their respective beneficiary accounts. All

1 earnings to be distributed under this subsection (4)(a) shall first be  
2 reduced by the allocation to the state treasurer's service fund  
3 pursuant to RCW 43.08.190.

4 (b) The following accounts and funds shall receive eighty percent  
5 of their proportionate share of earnings based upon each account's or  
6 fund's average daily balance for the period: The aeronautics account,  
7 the aircraft search and rescue account, the county arterial  
8 preservation account, the department of licensing services account, the  
9 essential rail assistance account, the ferry bond retirement fund, the  
10 grade crossing protective fund, the high capacity transportation  
11 account, the highway bond retirement fund, the highway safety account,  
12 the motor vehicle fund, the motorcycle safety education account, the  
13 pilotage account, the public transportation systems account, the Puget  
14 Sound capital construction account, the Puget Sound ferry operations  
15 account, the recreational vehicle account, the rural arterial trust  
16 account, the safety and education account, the special category C  
17 account, the state patrol highway account, the transportation 2003  
18 account (nickel account), the transportation equipment fund, the  
19 transportation fund, the transportation improvement account, the  
20 transportation improvement board bond retirement account, and the urban  
21 arterial trust account.

22 (5) In conformance with Article II, section 37 of the state  
23 Constitution, no treasury accounts or funds shall be allocated earnings  
24 without the specific affirmative directive of this section.

25 NEW SECTION. **Sec. 30.** A new section is added to chapter 47.01 RCW  
26 to read as follows:

27 The department shall not commence construction on any part of the  
28 state route number 520 bridge project until agreements have been  
29 reached with the incorporated towns or cities that represent the  
30 communities affected by the state route number 520 project. The  
31 agreements must provide reasonable assurance that no further  
32 degradation will occur to the citizens' current use and enjoyment of  
33 their properties as a result of repairs and improvements made to the  
34 state route number 520 bridge and its connecting roadways. Such  
35 assurances may be achieved through engineering design choices,  
36 mitigation measures, or a combination of both.

1           **Sec. 31.** RCW 36.73.015 and 2005 c 336 s 1 are each amended to read  
2 as follows:

3           The definitions in this section apply throughout this chapter  
4 unless the context clearly requires otherwise.

5           (1) "District" means a transportation benefit district created  
6 under this chapter.

7           (2) "City" means a city or town.

8           (3) "Transportation improvement" means a project contained in the  
9 transportation plan of the state or a regional transportation planning  
10 organization (~~((that is of statewide or regional significance))~~). A  
11 project may include investment in new or existing highways of statewide  
12 significance, principal arterials of regional significance, high-  
13 capacity transportation, public transportation, and other  
14 transportation projects and programs of regional or statewide  
15 significance including transportation demand management. Projects may  
16 also include the operation, preservation, and maintenance of these  
17 facilities or programs. (~~((Not more than forty percent of the revenues  
18 generated by a district may be expended on city streets, county roads,  
19 existing highways other than highways of statewide significance, and  
20 the creation of a new highway that intersects with a highway of  
21 statewide significance.))~~)

22           **Sec. 32.** RCW 36.73.020 and 2005 c 336 s 3 are each amended to read  
23 as follows:

24           (1) The legislative authority of a county or city may establish a  
25 transportation benefit district within the county or city area or  
26 within the area specified in subsection (2) of this section, for the  
27 purpose of acquiring, constructing, improving, providing, and funding  
28 a transportation improvement within the district that is consistent  
29 with any existing state, regional, and local transportation plans and  
30 necessitated by existing or reasonably foreseeable congestion levels.  
31 The transportation improvements shall be owned by the county of  
32 jurisdiction if located in an unincorporated area, by the city of  
33 jurisdiction if located in an incorporated area, or by the state in  
34 cases where the transportation improvement is or becomes a state  
35 highway. However, if deemed appropriate by the governing body of the  
36 transportation benefit district, a transportation improvement may be  
37 owned by a participating port district or transit district, unless

1 otherwise prohibited by law. Transportation improvements shall be  
2 administered and maintained as other public streets, roads, highways,  
3 and transportation improvements. To the extent practicable, the  
4 district shall consider the following criteria when selecting  
5 transportation improvements:

- 6 (a) Reduced risk of transportation facility failure and improved  
7 safety;
- 8 (b) Improved travel time;
- 9 (c) Improved air quality;
- 10 (d) Increases in daily and peak period trip capacity;
- 11 (e) Improved modal connectivity;
- 12 (f) Improved freight mobility;
- 13 (g) Cost-effectiveness of the investment;
- 14 (h) Optimal performance of the system through time; and
- 15 (i) Other criteria, as adopted by the governing body.

16 (2) (~~Subject to subsection (6) of this section,~~) The district may  
17 include area within more than one county, city, port district, county  
18 transportation authority, or public transportation benefit area, if the  
19 legislative authority of each participating jurisdiction has agreed to  
20 the inclusion as provided in an interlocal agreement adopted pursuant  
21 to chapter 39.34 RCW. However, the boundaries of the district shall  
22 include all territory within the boundaries of the participating  
23 jurisdictions comprising the district.

24 (3) The members of the legislative authority proposing to establish  
25 the district, acting ex officio and independently, shall constitute the  
26 governing body of the district: PROVIDED, That where a district  
27 includes area within more than one jurisdiction under subsection (2) of  
28 this section, the district shall be governed under an interlocal  
29 agreement adopted pursuant to chapter 39.34 RCW. However, the  
30 governing body shall be composed of at least five members including at  
31 least one elected official from the legislative authority of each  
32 participating jurisdiction.

33 (4) The treasurer of the jurisdiction proposing to establish the  
34 district shall act as the ex officio treasurer of the district, unless  
35 an interlocal agreement states otherwise.

36 (5) The electors of the district shall all be registered voters  
37 residing within the district.

1       (~~(6) The authority under this section, regarding the establishment~~  
2 ~~of or the participation in a district, shall not apply to:~~  
3       ~~(a) Counties with a population greater than one million five~~  
4 ~~hundred thousand persons and any adjoining counties with a population~~  
5 ~~greater than five hundred thousand persons;~~  
6       ~~(b) Cities with any area within the counties under (a) of this~~  
7 ~~subsection; and~~  
8       ~~(c) Other jurisdictions with any area within the counties under (a)~~  
9 ~~of this subsection.))~~

10       NEW SECTION.   **Sec. 33.** Sections 1 through 6 of this act constitute  
11 a new chapter in Title 36 RCW.

12       NEW SECTION.   **Sec. 34.** Section 28 of this act expires July 1,  
13 2006.

14       NEW SECTION.   **Sec. 35.** Section 29 of this act takes effect July 1,  
15 2006."

16       Correct the title.

EFFECT:       Moves the Monorail's taxing authority to the City of  
Seattle instead of the regional transportation commission or its  
successor. Prohibits King County Metro from reducing hours of transit  
service provided to the City based on the new transit services and  
projects which the City may plan and fund. Requires approval by the  
regional transportation commission or its successor entity of any RTID  
and Sound Transit ballot measures. Makes housekeeping changes to  
correct references to the RTID and its governing board. Allows King,  
Pierce, and Snohomish counties to establish transportation benefit  
districts (TBDs), and removes the requirement that a TBD spend no more  
than forty percent of district revenues on local projects. Clarifies  
that, consistent with the broad RTID project eligibility definition,  
the scope of RTID planning includes operations, maintenance, and  
preservation of facilities or systems.

--- END ---